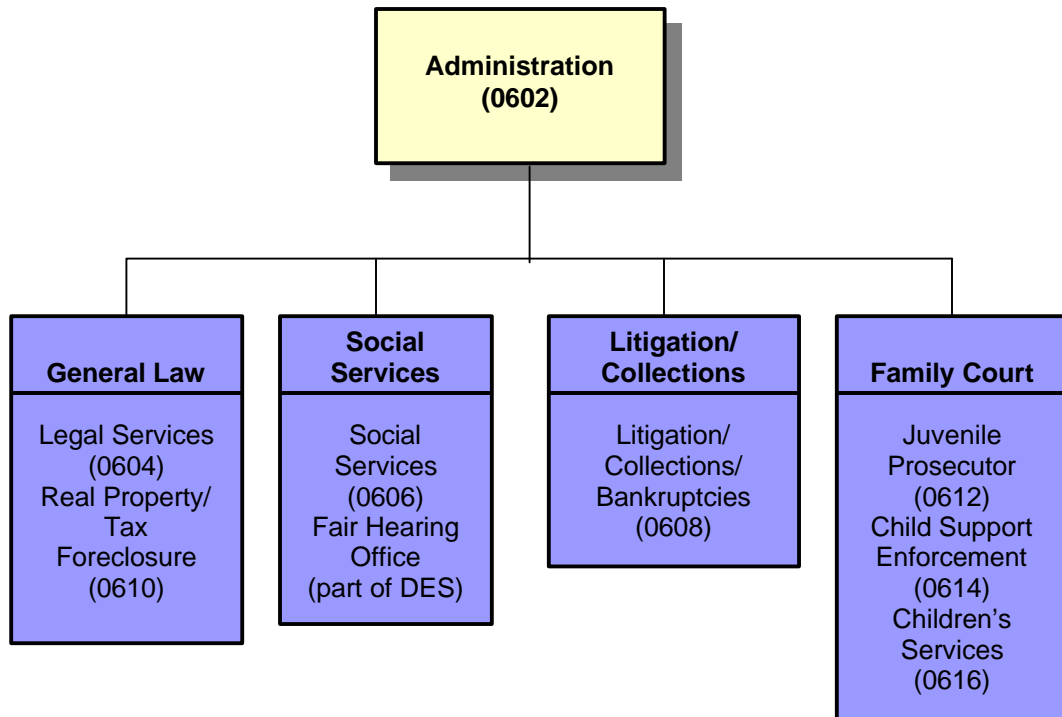


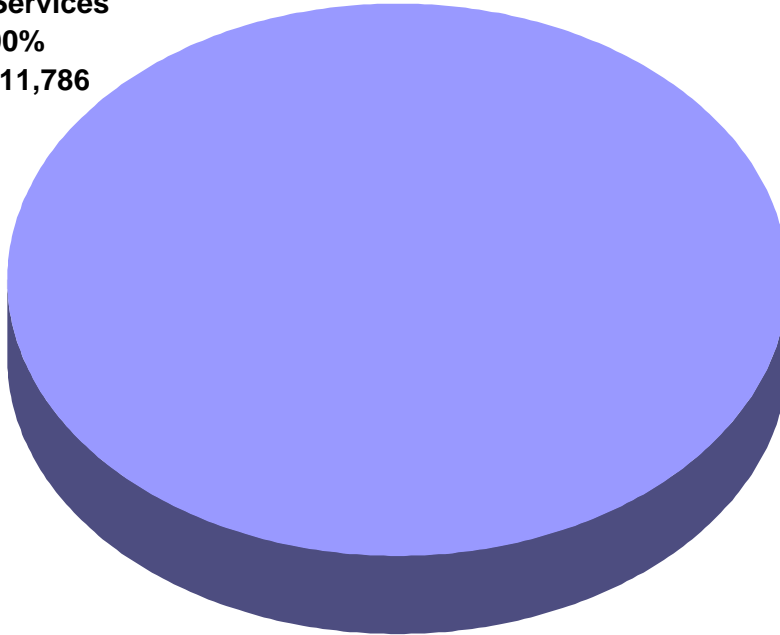
LAW (006)



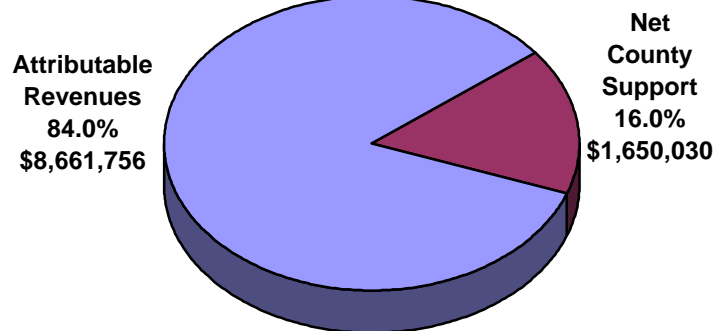
LAW

2002 Budget - \$10,311,786

Legal Services
100%
\$10,311,786



Net County Support



DEPARTMENT: Law (006)

DEPARTMENT DESCRIPTION

The Monroe County Law Department provides to county departments and residents high quality legal representation and counsel that are of value to the community at large. These services meet client and public needs, are delivered expeditiously and inspire client and public confidence.

STRATEGIC FRAMEWORK

Mission

The Law Department shall deliver responsive, efficient, effective legal representation and counsel to county departments and residents, in order to assist in providing the highest return to the community on their investment. The Law Department provides quality legal services to enable Monroe County government to assure a safe, healthy, prosperous and stimulating environment which results in a world class place to live, work and enjoy life.

Key Result Areas

Client Satisfaction: Our clients are satisfied with Law Department services, initiatives and activities.

Productive Workforce: We support a diverse workforce that efficiently meets or exceeds clients' expectations.

Quality Services: We provide quality legal services designed to prevent legal problems; provide clear, concise and effective advice to clients; prosecute legal matters in an efficient and expeditious manner; and provide timely communication with clients.

Fiscal Responsibility: The Law Department continuously achieves sound financial outcomes in the stewardship of public funds through efficient use of its resources.

Key Result Measures

Client Satisfaction: Client opinion regarding quality, client initiated complaints and comments, response time to client inquiries, and communications with clients.

Productive Workforce: Employee turnover, absenteeism, job performance objectives, job audits, employee complaints, personnel cost per unit of service, continuing education and training, and decision-making authority.

Quality Services: Measure cases with a favorable result and compare with statistics over time, measure time necessary to complete assigned matters, measure cases which are diverted from court action by early intervention or advice from Law Department, perform independent review and audit of cases, tabulate and measure client concerns through telephone calls and review of complaints, and measure procedures to provide more efficient services.

Fiscal Responsibility: Enhance revenues collected, and calculate unit cost to render services.

2001 Major Accomplishments

- Negotiated and prepared contracts for provision of the latest technological services and equipment in the telecommunications area. These contracts pose particularly challenging problems because of the need to devise protective measures in rapidly changing technological fields against unknown future capabilities, situations and risks
- Successfully appealed the Haynes Estate decision, thereby reducing the award for damages and fees from \$163,705 to \$14,305
- Negotiated and prepared a detailed administrative service agreement, trust agreement and annuity contracts with a new third party administrator for the county's Deferred Compensation Committee and Deferred Compensation Plan and assisted in the smooth transition of the deferred compensation plan from PEBSCO to Hartford

- Negotiated and prepared agreement with Rochester City School District that enables the county to be reimbursed by Medicaid for the skilled nursing services it provides to the City School District
- Prepared the contract for the Stutson Street Bridge project; a Project Labor Agreement which was used for the first time by Monroe County
- Set up a central opinion file entering all the previously written legal opinions issued by GLS so that these opinions can be accessed by all attorneys from their computers
- Assisted Monroe Community Hospital (MCH) and Department of Social Services (DSS) to get Medicaid reimbursement to MCH whenever MCH encounters problems in collection for services given to residents who have been processed for Medicaid resulting in savings to the county
- Assisted the Treasury Department in revising procedures for the annual tax sale and annual tax foreclosure action resulting in a reduction of the number of law suits challenging the county's annual tax foreclosure action
- Obtained a ruling from the Supreme Court in the Matter of County of Monroe v NYS Board of Trustees, that the state was arbitrary and capricious in evaluating the services of the county as \$0 dollars in the Monroe Community College (MCC) capital improvement project
- Obtained confinement in the first case seeking an involuntary confinement under the county's new TB law
- Participated in developing and implementing a countywide energy procurement program to obtain energy for the county and participating municipalities at wholesale prices
- By state law, the county is obligated to indemnify doctors who provide services for the county, to reduce exposure. Negotiated an arrangement with the University of Rochester to cover all of those doctors under its institutional professional liability policy
- Investigated vendor fraud under an Office for the Aging contract, which resulted in a significant credit to the county exceeding the amount of disputed charges, and improved monitoring procedures
- Completed production of Social Services Unit Manual that outlines the procedures and processes of each area of work done by the unit
- Completed compilation of a DSS opinion database that can be accessed by all members of the department
- Established a working relationship with the Office of Court Administration in order to obtain copies of retainer statements on personal injury/medical malpractice matters involving DSS recipients that would enable us to file lines against these cases
- In pursuit of technological efficiency, all members of the Litigation/Collections Division completed Lotus Notes training and the first level Word training, Attorneys and paralegals have transitioned from a print library to an on-line legal research
- To insure prompt and complete compliance with claim and lawsuit reporting to the county's excess liability carrier, the division has instituted a monthly claim/lawsuit review process for the purpose of evaluating cases for insurance reporting purposes
- The division has developed a medical records log and streamlined processes for collecting and organizing medical records in claim and litigation files
- Reorganized to accomplish work with a reduced staff; secretarial staff by one third, DSS collections work transferred to Social Services Division, Collections Unit contracted ConServe to pursue collection referrals
- Prosecuted 101 school-based acts of juvenile delinquency, which helped create a healthy learning environment and make going to school attractive, safe, enjoyable and a rewarding experience
- Employed mediation strategies to settle disputes in appropriate delinquency cases thereby reducing the number of delinquency prosecutions
- Disposed of 971 juvenile delinquency matters with only one acquittal after trial

- Helped craft specific procedures to enable the creation of a Juvenile Drug Court, while adhering to existing law and practice
- Obtained computer equipment and new furniture for attorneys in the office and provided computer training for the use of the new equipment
- Increased child support collections by 100% since 1995; collections for 2001 are anticipated to exceed \$55 million
- Reduced undistributed collections by nearly twenty percent, or more than \$400,000
- Increased percentage of out-of-wedlock children for whom paternity has been established to 84%, in part through encouraging in-hospital voluntary acknowledgements
- Expanded CSEU's outreach to fatherhood initiatives and other programs, which encourage responsible parenting
- Formed a Joint Enforcement Team with the District Attorney's office to initiate criminal prosecutions of non-paying child support obligors
- Developed procedure for tracking interstate actions to monitor timely processing of out-of-state child support cases
- Obtained reversal of \$1.8 million in Social Services Law §153-d foster care sanctions imposed on DSS by NYS Department of Social Services (now the Office of Children and Family Services)
- Partnered with DSS in developing strategies for presentation of the agency's challenge of \$1.8 million in state-imposed preventive sanctions
- Partnered with DSS in further refining the agency's and Law Department's Adoption and Safe Families Act compliance strategy
- Processed and filed over 112 new termination of parental rights (Social Services Law §384-b) petitions
- Presented significantly in excess of 36 Social Services Law §422/424-a fair hearings
- Presented four sessions of legal training for new DSS caseworkers
- Presented five sessions of Model Approaches to Partnership in Parenting (MAPP) training for new foster parents
- Worked with DSS to develop a legal training curriculum for experienced caseworkers
- Worked with Family Court key players (Administrative Judge, Public Defender, Law Guardian, etc.) in planning and implementing Family Drug Treatment Court which began operation in July, 2001
- Initiated a "ride-along" program to give Children's Services Unit attorneys a clearer picture of the workflow of DSS caseworkers
- Initiated a rotation for Children's Services Unit attorneys to attend permanency review meetings at DSS to gain greater insight regarding agency permanency planning
- Effectively trained/mentored three new Children's Services Unit attorneys

2002 Major Objectives

- Institute procedures to reduce time for attorney revisions to referrals
- Each attorney, paralegal and secretary complete at least one computer workshop/seminar, and each attorney complete his/her continuing education requirement
- Increase use of electronic legal research and improve skills

- Each attorney does a training presentation on his/her major client
- Back-up attorney will be personally introduced to heads of key departments and key department personnel
- Require departments to bring to the GLS attorney (e.g. insurance, etc.) any proposed deviation from the standard contract before signing by contractor
- GLS preliminary review of a signed contract to take place within maximum of five business days of receipt
- Increase Participation in Professions Community Activities
- Investigate possible blanket coverage for all county attorneys for membership in Monroe County Bar Association
- Modify the filing system to make it easier for everyone to locate files; develop methods for naming files and coordinate with the GLS attorneys so cross-referencing is consistent, develop a better tracking system, reduce the number of files in the cabinets by closing out files more frequently
- Obtain document "scanner"
- Educate key county personnel on the duties of specific GLS personnel so that work is referred to the right individual
- Revise contract review process to increase efficiency by introducing a spot check policy rather than reviewing all contracts
- Establish procedure whereby Resource Recovery Technicians put together the spousal support cases for prosecution
- Conduct more training/education of DSS personnel on Trusts, Resource Recovery and Guardianship Petitions to reduce the number of referrals to the unit on routine questions
- Continue program of sharing practice experiences, attorneys to attend depositions, §50-h exams, motion arguments, court conferences and trials conducted by other attorneys in the division for the purpose of experience and offering critical analysis
- Institute a practice of peer review of Answers, Memorandums of Law and Appellate Briefs prior to filing with court
- Develop a practice of comprehensive file review with peer input on each case when it is ready for trial pursuant to the rules of State or Federal Court
- Review budgetary issues as they pertain to the Juvenile Prosecutor's Office and make recommendations to the County Attorney regarding ways to reduce costs and maximize efficiencies within the unit
- Develop practice manuals and procedure for the Juvenile Prosecutor's Office
- Develop a brief and opinion bank in the Juvenile Prosecutor's Office
- Establish genetic marker testing site in the Hall of Justice to facilitate sample collection and reduce turn-around time for test results
- Develop procedure for identifying and closing unenforceable child support cases
- Partner with fatherhood initiatives to explore possible amnesty or other avenues to resolve unpaid child support arrears

- Develop additional information resources for non-custodial parents, including web site postings, brochures and a video presentation outlining child support enforcement activities and options for their resolution
- Implementation of legal training for experienced DSS caseworkers and supervisors, to improve their ability to support the legal process in obtaining agency objectives in Family Court
- Successful resolution in favor of Monroe County, of the outstanding Social Services Law §153-d preventive services sanctions
- Continue implementation with DSS of strategies to assume compliance with the Adoption and Safe Families Act and a successful outcome of the federal audit that is expected to take place in 2002
- Finalization with DSS of agreed-upon guidelines for use of suspended judgements in parental rights termination cases, adjournments in contemplation of dismissal in child protective cases and voluntary foster care as an alternative to the filing of a child protective case in Family Court
- Completion of a comprehensive survey to measure client satisfaction on the part of DSS staff with respect to legal services provided by the Children's Service's Unit
- Implementation of enrichment courses, in legal writing and trial techniques, for Children's Services Unit paralegals and attorneys

BUDGET SUMMARY

	Amended Budget 2001	Budget 2002
<u>Appropriations</u>		
Personal Services	6,773,238	6,823,924
Expenses	621,652	555,389
Supplies and Materials	126,384	66,029
Employee Benefits	1,636,172	1,841,976
Interfund Transfers	1,144,684	1,024,468
Total	10,302,130	10,311,786
<u>Revenue</u>		
Charges to Social Services	1,885,174	1,951,755
Charges to Insurance	538,000	538,000
Charges to Other Departments	649,334	689,577
City - Law Enforcement Block Grant	60,000	60,000
Hotel Room Occupancy Tax	10,000	14,275
Transfer from Capital Fund	117,000	117,000
Federal Aid	4,608,248	4,291,988
State Aid	951,314	929,161
Other Revenue	35,000	70,000
Total	8,854,070	8,661,756
<u>Net County Support</u>	1,448,060	1,650,030

BUDGET HIGHLIGHTS

Personal Services adjustments include the negotiated wage settlements in combination with cost reduction strategies. **Expenses** and **Supplies** and **Materials** decrease due to implementation of cost reduction strategies. **Employee Benefits** increases due to higher medical coverage and retirement costs. **Interfund Transfers** increases are due to the rise in building space charges.

While revenues of **Charges to Social Services** and **Charges to Other Departments** increase, overall revenues are down due to a decrease in federal and state aid.

DIVISION DESCRIPTIONS

Administration (0602)

The County Attorney directs the activities of all units of the Law Department, develops policies and procedures and supervises the staff. Administrative support staff perform personnel/payroll, budgetary and office management functions.

General Law - Legal Services (0604)

The goal of this division is to provide legal advice and analysis and litigation support to the County Executive; all county departments and offices; the County Legislature and all bodies created or authorized by the County Legislature; all county officers and employees on county related matters in order to support county operations. This division also renders legal opinions; drafts state and local legislation; reviews legislative communications; drafts and reviews contracts, specifications and other legal documents; and is responsible for special legal projects. Outcome measures include the percentage of activities achieving service quality standards.

General Law - Social Services (0606)

The goals of this division are: 1) to provide professional legal representation to the Monroe County Department of Social Services in order to advocate within the confines of the law, for results that maximize the delivery of their services, i.e. public assistance, Medicaid, conservatorships; at the lowest cost; and 2) to maximize the collection of monies owed the Department of Social Services at the lowest cost. Outcome measures include the decrease in the percentage of lawsuits brought against the Department of Social Services that result from allegations that DSS violated the law.

Litigation/Insurance/Collections (0608)

The goal of this division is to provide litigation, collection and insurance services to the County of Monroe and all its officers and employees in litigation matters, in order to maximize recoveries and minimize payments. This division represents the county in human rights cases and administrative hearings. The division is also responsible for administering the county's self-insurance program and procures insurance coverage in those areas for which the county is not self-insured. Outcome measures include the percentage of cases concluded within reserved values.

Real Property Transactions/Tax Foreclosure (0610)

This unit is responsible for all real property transactions involving the county. These transactions include acquisition of real property, sale of real property, easements, negotiation and drafting of leases involving the county and condemnation actions for the acquisition by the county of interests in real property. This division also conducts all tax foreclosure actions. Outcome measures are included above.

Family Court - Juvenile Prosecutor's Office (0612)

The goal of this division is to hold juveniles, who are delinquent, or in need of supervision, accountable for their actions through prosecution and treatment, and ultimately protecting public safety. This unit prosecutes offenses committed by juveniles; present petitions in Persons in Need of Supervision (PINS) cases where requested by the court; assists the court in presenting evidence in violation of probation proceedings involving juveniles and in dispositional hearings. Outcome measures include the percentage of petitions filed that result in successful prosecution.

Family Court - Child Support Enforcement Unit (0614)

The goals of this division are; 1) to collect legally appropriate support obligations in order maximize the dollars available to children and the Monroe County Department of Social Services; and 2) to establish paternity for out-of-wedlock children in order to provide financial support for children. This unit represents DSS or custodial parents, by statute and contract, on support petitions, reciprocal support petitions and paternity petitions to enforce the collection of child support payments. Outcome measures include the percentage of cases resulting in support collections and the percentage of cases for which paternity is established.

Family Court - Children's Services (0616)

The goal of this division it to provide legal services to the Department of Social Services on all child welfare matters to protect the children of Monroe County. This division provides legal support in matters before the Family Court seeking relief on behalf of children who have been the victims of abuse or neglect. They also review the status of children voluntarily placed in foster care and termination of parental rights through guardianship actions or surrenders; appear in juvenile delinquency and Persons in Need of Supervision (PINS) proceedings affecting the Department of Social Services; advise DSS staff in non-support matters affecting children; represent DSS in administrative fair hearings regarding child protective, foster care and day care issues; and prosecutes and defends appeals. Outcome measures include the percentage of successful representations and percentage cases maintaining federal funding.

Performance Measures

	Actual 2000	Est. 2001	Est. 2002
Litigation/Collections			
Litigation Matters	488	550	550
Litigation Appeals	15	15	15
Civil Collection Matters	757	800	800
DSS Collection Matters	3,297	3,342	3,342
Real Estate/Foreclosure			
Foreclosure Parcels in Towns and City	1,266	1,328	1,325
Sales and Lease of Real Estate	104	100	100
Juvenile Prosecution Cases			
Children's Services			
New Neglect/Abuse Petitions Filed	271	303	320
Extensions of Placement	389	400	400
Petitions for Violations	50	60	60
Adoption Surrenders	114	136	140
Guardianships	179	183	190
PINS/JD Applications	375	400	400
Foster Care Review petitions	431	400	400
Appeals Pending	10	10	10
Fair Hearings	20	48	60
General Legal Services			
Contracts Prepared/Reviewed	1,104	1,125	1,125
Leases Prepared/Reviewed	106	110	110
Change Orders Prepared/Reviewed	368	370	375

	Actual 2000	Est. 2001	Est. 2002
Legislative Referrals Prepared/Reviewed	535	550	575
Resolutions Prepared	503	500	500
Local Laws Prepared	13	14	14
Bid Specifications Reviewed	192	200	200
Freedom of Information Requests Reviewed	275	275	275
SEQR Reviews	82	85	85
Sole Source Designations	52	55	55
Home Improvement Loans	137	140	140
Written Legal Opinions	75	80	85
General Social Services			
Contracts Reviewed	392	400	400
Mortgages Completed	80	110	110
Resource Recovery Files	89	150	175
Adult Protective Referrals	53	84	85
Confidentiality/Subpoena Referrals	142	130	130
Eligibility Files	37	37	70
Trusts Reviewed	41	90	100
Spousal Support Files Opened	27	24	25
Right of Elections	6	4	10
Miscellaneous (Litigation, Housing, etc.)	37	88	90
Child Support Cases			
Objections filed	74	50	50
DSS Collections (Family Assistance Cost Recovery)	\$10.4M	\$10.2M	\$10.0M
Private Collections	\$37.9M	\$42.2M	\$48.0M
Paternities Established	2,566	2,400	2,300
Support Obligations Established	5,104	5,200	5,200
Walk-In Clients/Respondents	10,966	12,000	12,000

STAFF

<u>Total</u>	<u>Title</u> Full Time	<u>Group</u>
1	County Attorney	27
1	First Deputy County Attorney	25
1	Special Counsel	25
1	Special Counsel - Labor Relations	23
1	Child Support Enforcement Manager	22
4	Senior Deputy County Attorney	22
6	Deputy County Attorney I	21
14	Deputy County Attorney II	19
1	Assistant Child Support Enforcement Manager	18
6	Deputy County Attorney III	17
1	Senior Staff Assistant	17
1	Program Coordinator - CSEU	16
1	Child Support Court Liaison	14
1	Confidential Assistant to County Attorney	14
1	Assistant Secretary to County Executive	13
1	Control Supervisor	13
1	Senior Accountant	13
1	Senior Paralegal	13
1	Senior Real Estate Paralegal	13
2	Senior Trial Assistant	13
5	Child Support Enforcement Supervisor	55
3	Senior Legal Assistant	55
2	Administrative Assistant	12
1	Claims Adjuster	12
1	Executive Secretary to County Attorney	12
2	Resource Recovery Technician	12
6	Child Support Investigator	53
2	Legal Assistant - CSEA	10
2	Legal Secretary I	10
1	Paralegal	10
1	Secretary to Special Counsel	10
3	Trial Assistant	10
3	Legal Assistant	52
25	Child Support Examiner	51
3	Child Support Examiner - Bilingual	51
1	Child Support Tech	9
3	Senior Control Clerk	9
1	Senior Process Server	9
10	Legal Secretary II	8
2	Legal Stenographer	8
1	Stenographer Secretary	8
6	Clerk 2	7
2	Clerk II with Typing	7
3	Control Clerk	7
1	Process Server	7

<u>Total</u>	<u>Title</u>	<u>Group</u>
3	Senior Account Clerk	7
1	Legal Secretary III	6
1	Account Clerk	5
3	Clerk 3	5
7	Clerk 3 with Typing	5
1	Data Entry Operator	5
1	Driver Messenger	5
1	Input Clerk	5
3	Receptionist - Bilingual	5
1	Receptionist - Typist	5
1	Laborer Light	3
3	Clerk Typist	2
<hr/> 163	Total Full Time	
	Part Time	
3	Clerk Typist	2
2	Clerk Seasonal	Hourly
1	Government Intern	Hourly
3	Leadership Project Worker	Hourly
1	Student Government Trainee	Hourly
<hr/> 10	Total Part Time	
173	Total 2002	